

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LILBERT GREGORY,

Plaintiff,

Case No. 21-cv-10408
Hon. Matthew F. Leitman

v.

HEIDI WASHINGTON, *et al.*,

Defendants.

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 40) AND (2) GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF No. 32)**

In this action, *pro se* Plaintiff Lilbert Gregory alleges that the Defendants violated his federal and state constitutional rights. (*See* Compl., ECF No. 1.) Gregory's claims arise out medical care that he received while he was in the custody of the Michigan Department of Corrections (the "MDOC"). (*See id.*)

On January 31, 2022, Defendants Heidi Washington, Robert Vashaw, Kelly Bennett, Richard Dodman, Richard D. Russell, Patricia Lamb, Karen Branch, Candace Comer, Stephanie Adams, Rebecca Smith, Loria Coleman, and Natalie Sowder/aka Souder (collectively, the "MDOC Defendants") filed a motion to dismiss Gregory's claims against them, or, in the alternative, for summary judgment. (*See* Mot., ECF No. 32.) The motion was referred to the assigned Magistrate Judge, and on July 27, 2022, the Magistrate Judge recommended that the Court grant the

motion and dismiss Gregory's claims against the MDOC Defendants (the "R&R"). (See R&R, ECF No. 40.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (See *id.*, PageID.330-331.)

Gregory has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Gregory has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of the MDOC Defendants' motion is **ADOPTED**.

IT IS FURTHER ORDERED that (1) the MDOC Defendants' motion to dismiss, or, in the alternative, for summary judgment (ECF No. 32) is **GRANTED** and (2) Brown's claims against Defendants Heidi Washington, Robert Vashaw, Kelly Bennett, Richard Dodman, Richard D. Russell, Patricia Lamb, Karen Branch,

Candace Comer, Stephanie Adams, Rebecca Smith, Loria Coleman, and Natalie Souder are **DISMISSED**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 1, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 1, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126